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TAYLOR, BARRY W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/871,111

Applicant(s)

COMSTOCK ET AL.

Examiner

Barry W. Taylor

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-13, 15-22, 29, 30, 32-34, 37-40, 43, 45-49 and 60-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-13, 15-22, 29, 30, 32-34, 37-40, 43, 45-49 and 60-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 2-7, 9-10, 12-13, 15-19, 21-22, 29-30, 32-34, 37-38, 40, 43, 45-47, 49, 60-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al (2002/0071416 hereinafter Carlson).

Regarding claim 7. Carlson teaches a method of crediting an account of a network access node, comprising:

receiving a data signal wirelessly at the network access node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a

first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider);

forwarding the data signal wirelessly to a network user node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

providing account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the network access node (i.e. **the portable handheld device**).

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via **fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147)**).

Carlson does not use the term "account crediting information represents a credit to be recorded for an account associated with the network access node". However, Carlson teaches the Internet Service Provider (i.e. second account) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In

fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**); and

providing second account crediting information to the accounting system, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider and the data signal is provided by the Internet service provider; wherein the network access node is a portable, handheld device having a display.

Carlson does not use the term "second account". However, Carlson teaches the Internet Service Provider (i.e. **second account**) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. first account) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. first account). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. first account).

Regarding claim 2. Carlson teaches wherein the network access node (**portable handheld device** (item 124 figure 1) is a repeater (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device

(item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114)).

Regarding claim 3. Carlson teaches wherein the network access node (**portable handheld device** (item 124 figure 1)) is further part of an ad hoc network (see figure 1 and paragraph 0016 wherein hand-held PDA or cell phone forms a **short-range** network which reads on **ad-hoc**, see paragraph 0032 and figure 1 wherein **short-range** network is defined as a **Personal Area Network** which also reads on **ad hoc**).

Regarding claim 4. Carlson teaches wherein the network access node is an access point (see item 143 in figure 1 which is the point of access for the Internet service provider which can connect to the ad-hoc network via wire (item 145 figure 1) or wirelessly (item 147 figure 1) .

Regarding claim 5. Carlson does not explicitly show wherein the data signal is received from a public telephone. However, Carlson teaches the **portable handheld device** (item 124 figure 1) can use wireless communication between the first wireless device and Internet Service Provider network. Carlson further shows the **portable handheld device** (item 124 figure 1) can use wireline connection (item 145) to connect to the Internet Service Provider. Therefore, it would take very little effort for one of ordinary skill in the art to use wired connection (i.e. public telephone) to a first device because it is old and well-known that connection to Internet Service Provider can be made over public telephone line.

Regarding claim 6. Carlson teaches providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (**i.e. the first user device item 114 figure 1** -- see paragraphs 0051-0057 wherein the first wireless device pays for the requested Internet Service by using credit card number).

Regarding claim 9. Carlson teaches wherein the credit is based on the forwarded data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider).

Regarding claim 10. Carlson teaches wherein the credit is based on at least one of the time of day and airtime usage of the data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider, see paragraph 0037 wherein meter used to measure the amount of minutes of the connection).

Regarding claim 12. Carlson teaches wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 13. Carlson teaches wherein the WLAN protocol is the IEEE 802.11 protocol (see 802.11 in paragraph 0005).

Regarding claim 17. Carlson teaches a portable device configured as a repeater, comprising:

means for receiving a data signal wirelessly at the portable device (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider);

means for forwarding the data signal wirelessly from the portable device to a network user node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

means for providing account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the portable device.

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via **fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147)**).

Carlson does not use the term "account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the portable device". However, Carlson teaches the Internet

Service Provider (i.e. second account) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**)

means for providing second account crediting information to the accounting system, wherein the data signal is provided by an Internet service provider, wherein the second account crediting information represents a second credit to be recorded to an account associated with an Internet service provider.

Carlson does not use the term "second account". However, Carlson teaches the Internet Service Provider (i.e. **second account**) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. first account) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. first account). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another

wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. first account).

Regarding claim 15. Carlson teaches wherein the portable device (**portable handheld device** (item 124 figure 1)) is further part of an ad hoc network (see figure 1 and paragraph 0016 wherein hand-held PDA or cell phone forms a **short-range** network which reads on **ad-hoc**, see paragraph 0032 and figure 1 wherein **short-range** network is defined as a **Personal Area Network** which also reads on **ad hoc**).

Regarding claim 16. Carlson teaches means for providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (i.e. **the first user device item 114 figure 1** -- see paragraphs 0051-0057 wherein the first wireless device pays for the requested Internet Service by using credit card number).

Regarding claim 18. Carlson teaches wherein the credit is based on the forwarded data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider).

Regarding claim 19. Carlson teaches wherein the credit is based on at least one of the time of day and airtime usage of the data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114

figure 1) the Internet Service Provider, see paragraph 0037 wherein meter used to measure the amount of minutes of the connection).

Regarding claim 21. Carlson teaches wherein the means for forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 22. Carlson teaches the network user node is a portable device (see **portable handheld device** (item 124 figure 1)).

Regarding claim 29. (Previously Presented) An accounting method for crediting an account associated with a network access node, comprising:

receiving a communication event message, wherein the communication event message includes identification data representing a network access node, wherein the communication event message is received in response to the network access node wirelessly receiving and wirelessly forwarding a data signal on behalf of a network user node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

crediting an account associated with the network access node based on the communication event message; and

Carlson does not use the term "account associated with the network access node". However, Carlson teaches the Internet Service Provider (i.e. second account)

gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**);

crediting an account associated with an Internet service provider, wherein the data signal is provided by the Internet service provider, wherein the communication event message includes second identification data representing the Internet service provider; wherein the network access node is a portable device.

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147)).

Carlson does not use the term "account associated with an Internet service provider". However, Carlson teaches the Internet Service Provider (i.e. **second account**) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e.

first account) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. first account). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. first account).

Regarding claim 30. Carlson teaches wherein the network access node receives and forwards the data signal via a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 32. Carlson does not explicitly show wherein the data signal is received from a public telephone. However, Carlson teaches the **portable handheld device** (item 124 figure 1) can use wireless communication between the first wireless device and Internet Service Provider network. Carlson further shows the **portable handheld device** (item 124 figure 1) can use wireline connection (item 145) to connect to the Internet Service Provider. Therefore, it would take very little effort for one of ordinary skill in the art to use wired connection (i.e. public telephone) to a first device because it is old and well-known that connection to Internet Service Provider can be made over public telephone line.

Regarding claim 33. (Currently Amended) A method of crediting an account associated with an access point, comprising:

receiving a data signal wirelessly at the access point (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

forwarding the data signal wirelessly to a network user node using a wireless local area network (WLAN) communication standard (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114), Carlson teaches forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider); and

providing account crediting information to an accounting system, wherein the account crediting information represents a credit to be recorded for an account associated with the access point.

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via **fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147).**

Carlson does not use the term "account crediting information represents a credit to be recorded for an account associated with the access point". However, Carlson teaches the Internet Service Provider (i.e. second account) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**); and

wherein the data signal is received from the Internet see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114)); and

wherein the access point network user node is a portable, handheld device having a display (see **portable handheld device** (item 124 figure 1)).

Regarding claim 34. Carlson teaches providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (i.e. **the first user**

device item 114 figure 1 -- see paragraphs 0051-0057 wherein the first wireless device pays for the requested Internet Service by using credit card number).

Regarding claim 37. Carlson teaches wherein the credit is based on the forwarded data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider).

Regarding claim 38. Carlson teaches wherein the credit is based on at least one of the time of day and airtime usage of the data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider, see paragraph 0037 wherein meter used to measure the amount of minutes of the connection).

Regarding claim 40. Carlson teaches wherein the means for forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 43. Carlson teaches an access point, comprising:

a receive circuit configured to receive a data signal (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to

Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

a transmit circuit configured to transmit the data signal over a wireless local area network (WLAN) to a network user node via a network access node in wireless communication with the network user node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114)); and

an accounting circuit configured to provide account crediting information, wherein the account crediting information represents a credit to be recorded for an account associated with the access point.

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via **fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147).**

Carlson does not use the term "crediting information represents a credit to be recorded for an account associated with the access point". However, Carlson teaches the Internet Service Provider (i.e. second account) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between

the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**)

wherein the receive circuit is coupled to a public switched telephone network (Carlson does not explicitly show wherein the data signal is received from a public telephone. However, Carlson teaches the **portable handheld device** (item 124 figure 1) can use wireless communication between the first wireless device and Internet Service Provider network. Carlson further shows the **portable handheld device** (item 124 figure 1) can use wireline connection (item 145) to connect to the Internet Service Provider. Therefore, it would take very little effort for one of ordinary skill in the art to use wired connection (i.e. public telephone) to a first device because it is old and well-known that connection to Internet Service Provider can be made over public telephone line); and the data signal is received from an Internet service provider; and wherein the access point is a portable device (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114)).

Regarding claim 45. Carlson teaches forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph

0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 46. Carlson teaches wherein the credit is based on the forwarded data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider).

Regarding claim 47. Carlson teaches wherein the credit is based on at least one of the time of day and airtime usage of the data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device** (item 124 figure 1) gets per minute connection credit for relaying Internet messages between first wireless device (item 114 figure 1) the Internet Service Provider, see paragraph 0037 wherein meter used to measure the amount of minutes of the connection).

Regarding claim 49. Carlson teaches providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (**i.e. the first user device item 114 figure 1** -- see paragraphs 0051-0057 wherein the first wireless device pays for the requested Internet Service by using credit card number).

Regarding claim 60. Carlson teaches wherein the network access node (**portable handheld device** (item 124 figure 1) is a repeater (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to

Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114)).

Regarding claim 61. Carlson teaches wherein the network access node (**portable handheld device** (item 124 figure 1)) is further part of an ad hoc network (see figure 1 and paragraph 0016 wherein hand-held PDA or cell phone forms a **short-range** network which reads on **ad-hoc**, see paragraph 0032 and figure 1 wherein **short-range** network is defined as a **Personal Area Network** which also reads on **ad hoc**).

Regarding claim 62. Carlson teaches wherein the network access node is an access point (see item 143 in figure 1 which is the point of access for the Internet service provider which can connect to the ad-hoc network via wire (item 145 figure 1) or wirelessly (item 147 figure 1).

Regarding claims 63-64. Carlson does not use the terms "first person's account" or "second person's account".

However, Carlson teaches the Internet Service Provider (i.e. **second account**) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the

connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**). Furthermore, Carlson teaches more than one **portable handheld device (item 124 figure 1)** may relay Internet service messages between a first device (item 114) and the Internet Service Provider network (item 143) which would obviously require each portable handheld device having their own personal account in order for them to receive credit for providing the relay service.

Regarding claim 65. Carlson teaches a method of adjusting at least one of an account of a first person associated with a network access node and an account of a second person associated with a network user node, comprising:

receiving a data signal wirelessly at the network access node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider;

forwarding the data signal wirelessly to the network user node (see figure 1 wherein **portable handheld device** (item 124) is used to relay data signal between a first wireless device (item 114) and the wireless network (item 143) which connects to Internet Service Provider wherein the portable handheld device relays information from the ISP to the requesting first wireless device (item 114));

providing account adjustment information to an accounting system, wherein the account adjustment information represents at least one of a credit to be recorded to the first person's account and a debit to be recorded to the second person's account.

Carlson shows wherein the Internet service provider provides access to the Internet via a fixed access point (see figure 1 wherein Internet service provider item 143 provides access to the Internet via **fixed access point (see wire connection 145) or by wireless connection (see wireless connection 147)**).

Carlson does not use the term "account crediting information represents a credit to be recorded for an account associated with the network access node". However, Carlson teaches the Internet Service Provider (i.e. second account) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. **first account**) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. **first account**). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is **willing to pay more** for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. **first account**).

providing second account information to the accounting system, wherein the second account information represents a second credit to be recorded to an account associated with the Internet service provider and the data signal is provided by an Internet service provider; wherein the network access node and the network user node is a portable device.

Carlson does not use the term "second account". However, Carlson teaches the Internet Service Provider (i.e. **second account**) gets paid for the connection services which obviously requires some sort of "account" to be given credit for services rendered --- paragraph 0052, Carlson also discloses that the owner of the second wireless portal (item 124) is also gets credit (i.e. first account) for relay Internet messages between the first user device (item 114) and the wireless network (item 143) --- paragraph 0052 which obviously requires the owners account (i.e. first account). In fact, Carlson teaches the owner of the second wireless device (item 124) can even service another wireless device that is willing to pay more for the connection time (paragraph 0057) which obviously provides a higher credit towards the owners account (i.e. first account). Furthermore, Carlson teaches more than one **portable handheld device (item 124 figure 1)** may relay Internet service messages between a first device (item 114) and the Internet Service Provider network (item 143) which would obviously require each portable handheld device having their own personal account in order for them to receive credit for providing the relay service.

Regarding claim 66. Carlson teaches the network user node is a portable, handheld device with display (see **portable handheld device (item 124 figure 1) includes PDA or cell phone having display**).

Regarding claim 67. Carlson teaches wherein the credit is based on the forwarded data signal (see paragraphs 0052, 0046, 0057 wherein **portable handheld device (item 124 figure 1)** gets per minute connection credit for relaying Internet

messages between first wireless device (item 114 figure 1) the Internet Service Provider).

Regarding claim 68 Carlson teaches wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol (see 802.11 in paragraph 0005, see figure 1 wherein **portable handheld device** (item 124 figure 1) communicates wirelessly with Internet Service Provider).

Regarding claim 69 Carlson teaches wherein the WLAN protocol is the IEEE 802.11 protocol (see 802.11 in paragraph 0005).

2. Claims 11, 20, 39, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al (2002/0071416 hereinafter Carlson) in view of Bahl et al (7,444,669 hereinafter Bahl).

Regarding claims 11, 20, 39, 48. Carlson does not appear to show using the meter to measure the number of packets for billing purposes.

Bahl also teaches methods and systems for providing variable rates of service for accessing networks (title, abstract) wherein clients are charged on a per packet or per byte basis (col. 3 lines 30-37, col. 3 lines 49-55) thereby allowing services providers the ability to charge more for higher data rates.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the meter as taught by Carlson to monitor on a per packet or per byte basis as taught by Bahl in order to offer a more variety of service levels for accessing the Internet.

Response to Arguments

3. Applicant's arguments filed 5/11/2009 have been fully considered but they are not persuasive.

a) Applicants generally argue that Carlson teaches that the second wireless device 124 and Internet service provider 143 are one in the same (see bottom page 11 continuing to page 12, paper dated 5/11/2009).

As discussed in the interview conducted 7/23/2009, Carlsson figure 1 shows that a second wireless device (item 124) is used to provide proximity services to the first device (item 114) by connection to the Internet (item 143) via a **wired connection** (item 145) which implies "fixed" or by a **wireless connection** (item 147). Therefore, as seen from figure 1, the second wireless device (item 124) is clearly shown as a separate entity which could even be a cell phone (item 124) to provide internet service to another device (i.e. the first device) which is clearly separated from the Internet service provider (item 143). It would then follow that three separate accounts would be needed (i.e. one for first wireless device 114) who pays for accessing the internet, another account to credit the owner of the second wireless device 12 providing relay function, and finally another account to be credited for providing the internet service. The Examiner notes that if the internet service provider (item 143) owned the second wireless device (item 124) then only two accounts would be needed.

The Examiner notes that Applicants independent claims are extremely vague and resemble convention charging methods wherein an access point receives and forwards a data signal to a network user then charges for the service.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached at (571) 272-7023. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number **(571-273-8300)**.

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/Barry W Taylor/

Primary Examiner, Art Unit 2617